

## **REMARKS**

The Office Action dated September 11, 2009 has been received and reviewed. This response is submitted along with a Petition for a Two -Month Extension of Time and Request for Continued Examination (RCE).

The applicants respectfully request reconsideration in view of the following remarks.

### **Claim Rejections- 35 U.S.C. §103**

The Examiner maintained the rejection claims 1, 3-9 and 15 under 35 U.S.C. §103(a) as obvious over Becks et al. (WO 02/057402); claims 1, 3-8 and 15 as obvious over Pfeiffer et al. (US 6,492,312); and claim 9 as obvious over Pfeiffer et al. in view of Dasque et al. (WO 01/60966). The applicants respectfully traverse these rejections.

The presently claimed invention requires that the liquid has a dispersion/dissolution time of more than 30 seconds and a viscosity of at least 100 MPa.s. None of Becks, Pfeiffer or Dasque teaches a liquid in their detergent composition with the properties of the liquid of the presently claimed invention.

While Becks generally teaches that viscosity can be modified, there is nothing in Becks that would suggest to a skilled artisan to formulate a composition having the claimed viscosity, and the Examiner's suggestion to do so is based on impermissible hindsight analysis. Indeed, the present inventors discovered that the optimum viscosity is at least 100 MPa.s, which is not simply a routine optimization. Rather, it is an inventive aspect that allows the presently claimed composition to achieve the surprising and unexpected results.

The applicants surprisingly discovered that the solid component's release time is more pronounced when the liquid phase has a viscosity of at least 100 MPa.s, thereby avoiding unnecessary hinderance of the release of the solid by optimizing the viscosity of the liquid. There is nothing in the prior art that would have suggested the synergy between solid dissolution and liquid viscosity. The skilled artisan would not be led to the presently claimed invention after reading Becks. The applicants respectfully submit that the surprising and unexpected synergy is rebuttal evidence of a *prima facie* case of obviousness.

Moreover, a *prima facie* case of obviousness cannot be established over Pfeiffer and Pfeiffer in view of Dasque because the differences between the presently claimed invention and Pfeiffer are outside the level of ordinary skill in the art. Pfeiffer teaches multiple particles distributed throughout the liquid, whereas the presently claimed invention is directed to only one solid floating on the outer surface of the liquid. The Examiner has cited page 1, lines 7-10 of Pfeiffer to support the contention that Pfeiffer teaches a single particle. The applicants acknowledge that Pfeiffer mentions "a discrete particle" in the lines cited, however, the applicants respectfully submit that this usage is not intended to be in the singular, as Pfeiffer describes "discrete particles" throughout the specification. Moreover, Pfeiffer states that the size of the particles' diameter from about "100 to 5000 microns, and the discrete particles and gel being in a particle to gel weight ratio of from about 0.005 to 0.4 to 1". (col. 2, lines 62-65). A single particle within this size range would not fall within the required weight ratio, and would have a negligible intended effect. A skilled artisan would therefore understand Pfeiffer's composition to require multiple particles, rather than a single particle.

The present invention demonstrates advancement in the art because a solid in a package has lower density than one having a higher density in that the lower density solid is released in 2 minutes but it takes 4.5 minutes for a higher density solid to release in the wash liquor. (*See*, specification at page 27, line 12 to page 29, line 12 (¶¶ 0099-0107 in the published application US 2005/0153861.))

The situation in Pfeiffer having particles distributed throughout the liquid is the same as that discussed in the specification which results in delayed release of the solid, however, as addressed in the specification the present invention having one solid on the outer surface of the liquid is significantly different in that it alleviates the hindrance of solid release that characterizes compositions like those of Pfeiffer. As such, based on these significant differences between the level of art established by Pfeiffer and the present invention, as set forth in the amended claims, the present invention is not obvious over Pfeiffer.

A packaged detergent composition having one solid floating on the outer surface of the liquid would not have been predictable based on the disclosure of Pfeiffer. As discussed above, because the solid particles of Pfeiffer are distributed within the liquid the composition of Pfeiffer would experience the delayed release of the solid. There is no indication within Pfeiffer that the release of the solid particles disclosed therein can be affected by the density of the solid and the location of the solid particles within the liquid. Thus, based on this disclosure of Pfeiffer, one skilled in the art, at the time of the invention, could not predict that including one solid in the liquid composition with a density such that it floats on the outer surface of the liquid would favorably decrease the release time of the solid into the wash liquor. The examples mentioned above

demonstrate this. The claims have been amended to recite that the packaged detergent composition has only one solid which floats on the outer surface of the liquid. Hence, the present invention is not obvious over Pfeiffer.

With respect to the rejection of claim 9 under 35 U.S.C. § 103(a) as obvious over Pfeiffer in view of WO 01/60966 to Dasque *et al.* (“Dasque”), reconsideration and withdrawal of this rejection is respectfully requested.

Claim 9 is dependent from claim 1 in that it applies the detergent composition of claim 1 in a method for washing laundry. As discussed above, the detergent composition of claim 1 having one solid which solid floats on the outer surface of the liquid and resolves the problem in the art related to delayed release of solids from a liquid in the wash liquor is not obvious over Pfeiffer. As such, a method of washing laundry recited in claim 9 comprising the steps of providing this novel and unique detergent composition and releasing the detergent composition in a laundry washing machine is not obvious over Pfeiffer in view of Dasque.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant’s attorney at the phone number listed below.

#### CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit

Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account  
No. 14-1263.

Respectfully submitted,

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